

(1997) 10 AP CK 0017

In the Andhra Pradesh High Court

Case No : Writ Petition No. 12786 of 1997

G.R.R. Chowdhary and Another

APPELLANT

Vs

State Transport Authority and Others

RESPONDENT

Date of Decision : 01-10-1997

Acts Referred:

Motor Vehicles Act, 1988 — Section 113, 194

Citation : (1997) 6 ALT 732 : (1998) 1 APLJ 88

Hon'ble Judges : T.N.C. Rangarajan, J

Bench : Single Bench

Advocate : S. Sriramachandra Murthy, for the Appellant; Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

T.N.C. Rangarajan, J.—This Writ Petition is directed against the notices issued by the Assistant Motor Vehicles Inspector charging the petitioner for overloading his vehicle. According to the report when a check was made on 14-3-97 it was found that the gross laden weight was 24,415 Kgs. in the case of vehicle No. AP 31 / U2521 and 25,490 Kgs. in the case of vehicle No. AP 31/U2515. The Inspector was of the opinion that these vehicles are overloaded, taking the gross permissible weight as 22,000 Kgs. only, and relied on the decision of the Supreme Court in N. Venkateswara Rao and Others Vs. S.T.A. and Others, .

2. The learned Counsel for the petitioners points out that the decision of the Supreme Court was only with reference to fixing the gross permissible weight for the purpose of registration and once the vehicle has been registered it is only the registered weight which is relevant to find out whether there is any overloading.

3. The respondent has not filed any counter affidavit and none has appeared to support the case, because obviously the action taken is contrary to the provisions of Section 194 r/w. Section 113 of the Motor Vehicles Act. Section 194 provides that if any person contravenes the provisions of Section 113 he shall be

punishable and Section 113 provides that no person shall drive a motor vehicle if the laden weight of which exceeds the gross vehicle weight registered in the certificate of registration. In the present case admittedly the gross vehicle weight registered in the certificate of registration given by the State of Andhra Pradesh was 25,000 Kgs. The gross laden weight actually seen was less than that.

4. In the circumstances, there was no violation requiring action u/s 194. The impugned notices are therefore quashed. Writ Petition is allowed. No costs.